

**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION**

Dated: Nainital: the 17th day of May 2004
Criminal Bail Application No. 325/2004
Order on the bail application of accused

CRIMINAL SIDE

Ajmer Singh S/o Sri Kashmir Singh
R/o Sanyasiwala
P.S. Jaspur
District Udham Singh Nagar Applicant

Versus

State of Uttaranchal Opposite Party

Arising out of case crime No. 46/ 2004
U/Ss 147, 148, 149, 307, 302 I.P.C.
P.S. Jaspur
District Udham Singh Nagar

By the court

Hon'ble Irshad Hussain J.

Heard Sri Dharam Veer learned counsel for the applicant, Sri A.S. Gill & Sri S.P. Agarwal learned counsel for the complainant and Sri H.C. Pandey learned A.G.A. for the State.

According to the prosecution version, the applicant- accused was present with a pistol at the spot. In the F.I.R., he had not been assigned an overt act. In the statement of the complainant recorded the same day when the FIR was lodged, he had also been assigned overt act by that he fired from the pistol like others. In this case, one person had lost his life and six persons have received fired arm injuries. The occurrence took place during the day light. Considering these aspects, it is not a fit case for bail. Rejected.

(Irshad Hussain J.)

Dated: 17.05.2004
Rawat